

APPLICATION NO. 09/943,131  
DOCKET NO. P1048/N8802

### REMARKS

Claims 1-22 are currently pending in the application, all of which stand rejected under 35 U.S.C. §103(a) over Shane et al. (U.S. 3,404,061). Because the claim rejections are based on a misapplication of the Shane et al. disclosure, withdrawal of the rejections of the pending claims is believed appropriate and is respectfully requested.

Shane et al. is cited as teaching a laminated graphite sheet at col. 14, line 74 through col. 15, line 11 and col. 13, lines 59-66. In addition, Shane et al. is cited as teaching that "the graphite material may be compressed at elevated temperature of up to 1000°C" at col. 11, lines 22-40.

This citation of the excerpt of Shane et al. at col. 11, lines 22-40 is significant in that it is the only cited assertion of the disclosure in Shane et al. of compression at elevated temperatures. In fact, a careful reading of the cited portion of Shane et al. discloses that it teaches no such thing. More specifically, at col. 11, lines 22-40, Shane et al. teaches production of a graphite sheet by compressing the sheet to a desired thickness and density, then subjecting the sheet to elevated temperature to remove residual fluid in the sheet and cause re-expansion of unexpanded particles, then recompressing the sheet. Indeed, Shane et al. continues to say "sheet 38 after passing through sizing rolls 30 and 32 is subjected to an elevated temperature, e.g. 1000°C so as to cause re-expansion of compressed particles which were not previously completely expanded or which contain residual fluid, e.g. moisture" (emphasis added) (col., 11, lines 32-36). Thus, Shane et al. does not teach compression at elevated temperature.

APPLICATION NO. 09/943,131  
DOCKET NO. P1048/N8802

In addition, and more importantly, since the purpose for exposing the flexible graphite sheet to elevated temperature in Shane et al. is to both remove residual fluid and cause re-expansion of compressed particles, the sheet could not, by definition, have been resin impregnated. In other words, if the heat provided were used to cure the resin in the sheet, then re-expansion of particles would not be possible since the cured resin would prevent such re-expansion. Thus, Shane et al. cannot have disclosed the invention of the rejection claims since any application of heat is disclosed as being separate and apart from compression, and could not be for cure of a resin impregnated sheet. This being the case, all of the rejections of the pending claims are shown to be fatally flawed, since Shane et al. does not disclose or even remotely suggest this critical inventive element. Withdrawal of the rejection of all claims 1-22 is therefore appropriate and is requested.

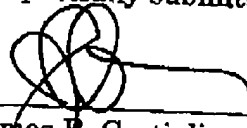
### CONCLUSION

Based on the foregoing amendments and remarks, it is believed clear that all claims 1-22 are in condition for allowance. Such action is earnestly sought. If there remains any matter which prevents the allowance of any of these claims, the Examiner is requested to call the undersigned, collect, at 615-242-2400 to arrange for an interview which may further expedite prosecution.

APPLICATION NO. 09/943,181  
DOCKET NO. P1048/N8802

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 50-1202.

Respectfully submitted,

  
James R. Cartiglia  
Registration No. 30,738  
WADDEY & PATTERSON  
A Professional Corporation  
Customer No. 23456

ATTORNEY FOR APPLICANT

Wadley & Patterson  
414 Union Street, Suite 2020  
Bank of America Plaza  
Nashville, TN 37219  
(615) 242-2400

FAX RECEIVED  
JUL 17 2003  
GROUP 1700

APPLICATION NO. 09/943,131  
DOCKET NO. P1048/N8802

CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this Response To Official Action Under C.F.R. §1.116 is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9310 on July 15, 2003.

James R. Cartiglia

  
Signature

Registration Number 30,738

7/15/03  
Date

FAX RECEIVED  
JUL 17 2003  
GROUP 1700